

REMARKS

This is a full and timely response to the non-final Office Action mailed on March 30, 2005 (Paper No./Mail Date 03242005). Reconsideration and allowance of the Application and present claims are respectfully requested. Applicants should not be presumed to agree with any statements made by the Examiner regarding the rejections and objections made in the Office Action unless otherwise specifically indicated by Applicants.

I. Response to Claim Rejections Under 35 U.S.C. §102

Claims 1-2 and 5-7 stand rejected under 35 U.S.C. §102(b) as allegedly being anticipated by U.S. Patent No. 4,248,811 to *Doyle, et al.* Claim 3 stands rejected under 35 U.S.C. §103(a) as allegedly unpatentable over *Doyle, et al.* in view of U.S. Patent 5,962,779 to *Bass*. Claim 4 stands rejected as allegedly unpatentable over *Doyle et al.*, in view of U.S. Patent 6,293,762 to *Farkhan*. New claims 8 - 10 are added. No new matter is presented.

In order for a claim to be properly rejected under 35 U.S.C. §102, the teachings of the prior art reference must teach all elements/features of the claimed invention to one of ordinary skill in the art. The *Doyle, et al.* reference does not teach all of the elements/features of claim 1. Therefore, Applicants respectfully request withdrawal of the rejections.

A. Claim 1

Claim 1, as originally presented, recites an apparatus for filling a tire and wheel assembly with a mixture of reactants for reacting within a tire to create a foam-fill within said tire, that includes “a cart” and “a gas supply line attached to the mixer for delivering gas to be entrained in the reactants in the mixer”.

Doyle, et al. does not disclose all of the elements/features of claim 1. For example, *Doyle, et al.* do not disclose “a gas supply line attached to the mixer for delivering gas to be entrained in the reactants in the mixer”. The only supply lines disclosed in *Doyle, et al.* that are attached to the mixing chamber 43 are supply lines 42 and 44 which *Doyle, et al.* teach as delivering reactants to the mixing chamber. Also, *Doyle, et al.* do not teach a cart. A cart is something that has wheels. See, for example, Merriam-Webster Online Dictionary. Since *Doyle, et al.* do not teach or disclose these features, *Doyle, et al.* do not support a rejection under 35

U.S.C. §102. Nor would Applicants' gas supply line attached to their mixer be obvious in view of *Doyle, et al.*, as *Doyle, et al.* teach that all of the components supplied to the mixer should be liquid. See, e.g., Column 6, lines 20-22.

B. Claims 2 and 5-7

Because independent claim 1 is allowable over the cited art of record, dependent claims 2 and 5-7 are allowable as a matter of law for at least the reason that dependent claims 2 and 5-7 contain all features and elements of their respective independent base claim. *In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988). Accordingly, the rejection to dependent claims 2 and 5-7 should be withdrawn for at least this reason, among others.

C. Claims 3 and 4

Claim 3 stands rejected as allegedly unpatentable over *Doyle, et al.* in view of *Bass* (U.S. 5,962,779); and Claim 4 stands rejected under 35 U.S.C. §103(a) as allegedly unpatentable over *Doyle, et al.* in view of *Farkhan* (U.S. 6,293,762). Both claims 3 and 4 are dependent claims depending upon claim 1. Since claims 3 and 4 include all of the elements/features of claim 1, these claims are believed allowable for at least the same reasons as claim 1.

D. New Claims 8-10

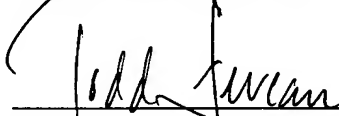
New claims 8-10 have been added. No new material is believed to be included in these new claims. Support for claim 8 can be found in the specification at page 7, lines 10-12. Claims 9 and 10 are patterned after claim 1, the gas supply line of claim 1 being referred to as "means" in claim 9 and the "cart" of claim 1 replaced by and referred to as a "frame" in claim 10.

Applicants submit that none of the cited references teach or suggest the features of any of these new claims, in particular the gas supply line, or "means attached to the mixer for delivering gas to be entrained...", recited therein.

CONCLUSION

Applicants respectfully maintain that the currently pending claims 1-4 are in condition for allowance. Should the Examiner have any comments or suggestions that would place the subject patent application in better condition for allowance, he is respectfully requested to telephone the undersigned attorney at (770) 933-9500.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Todd Deveau", is written over a horizontal line.

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